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JUN 27 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TC 1700

#28
7.3.31

IN RE APPLICATION OF:

Hideharu SATO

SERIAL NO. 09/155,635

GROUP ART UNIT: 1745

EXAMINER: Carol Chaney

FOR: LITHIUM ION SECONDARY BATTERY

DECLARATION UNDER 37 C.F.R. 1.132

HONORABLE COMMISSIONER OF PATENTS & TRADEMARKS
WASHINGTON, D.C. 20231

SIR:

Now comes Hitoshi MIURA, a citizen of Japan, and a resident of c/o TIMCAL JAPAN K.K., 6, Ichibancho, Chiyoda-ku Tokyo, Japan, who declares and says that:

1. I graduated from the Musashi Institute of Technology in March, 1973.

2. I was employed by LONZA Japan in 1990-1999 and has been employed by Timcal Japan since 2000. TIMCAL JAPAN K.K. has been independent of LONZA Japan LTD since July 2000, which is Japanese sales company of TIMCAL Ltd as well as TIMCAL America Inc, which was established as a subsidiary company of TIMCAL Ltd whose company's name was changed from Lonza Ltd. on 1995. I have engaged in business relating to a graphite of Lonza KS series.

3. I have been asked by my client of Dr. Hideharu SATO of Mitsubishi Chemical Corporation who is one of the inventor of US Patent Application No. 09/155,635, whether the Lonza KS-25 graphite having particle size of 14 μm and specific surface area of 1.5 m^2/g which was used in USP 6,040,092, Embodiment 11 is present or not.

4. Judging from the attached TIMREX specification as to Lonza KS-25 graphite and my long experience of handling the Lonza KS-25 graphite, I confirm that the specific surface area of Lonza KS-25 graphite is 8-16 m^2/g , **never** 1.5 m^2/g , that is, the value of 1.5 m^2/g is very very very small and impossible.

5. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6. Further, deponent saith not.

Date: April 23, 2003

Hitoshi Miura

Hitoshi MIURA



TIMCAL G-T

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TIMCAL Quality System

Customer
Agent/Affiliation
Product

TIMREX Specifications

LONZA Japan
TIMREX KB25 Graphite

Spec. Nr.
Spec. Nr. Timcal 188-1898-a
Status Proposal

Date of Issue: 20.11.98
Date of Revision:
Date of Release: 20.11.98

PURITY

Ash (810 °C)

Moisture

Trace Elements (OES)

Al

Ca

Si

Ti

Fe

V

S

DENSITY

Scott (non bagged)

SURFACE AREA

BET

PARTICLE SIZE

Laser Diffraction (Cilas)

< 12 micron

< 24 micron

Laser Diffraction (Malvern)

d 10

d 50

d 90

PACKAGING

Paper Bags 20 Kg

%	< 0.1
%	< 0.5
ppm	< 50
ppm	< 300
ppm	< 300
ppm	< 30
ppm	< 200
ppm	< 20
ppm	< 150
g/ccm	0.12 - 0.16
sqm/g	8 - 16
%	> 50
%	> 90
micron	2.7 - 4.3
micron	8 - 14
micron	22 - 33

Signature TIMCAL

Signature Customer

Revision